

AMENDED IN ASSEMBLY AUGUST 23, 2004

AMENDED IN ASSEMBLY JULY 6, 2004

AMENDED IN SENATE APRIL 22, 2004

SENATE BILL

No. 1654

Introduced by Senator McPherson

February 20, 2004

An act to amend ~~Section 8592.1 of, and to add Section 8592.6 to Sections 8592.1, 8592.2, 8592.3, 8592.4, and 8592.5 of, to add Section 8592.6 to, and to repeal Article 6.3 (commencing with Section 8592.9) of Chapter 7 of Division 1 of Title 2 of, the Government Code, relating to public safety.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1654, as amended, McPherson. Public safety: communication equipment.

Existing law provides that the Public Safety Radio Strategic Planning Committee, comprised of 12 specified state entities, shall have primary responsibility in state government for developing and implementing a statewide integrated public safety communication system for state government agencies that facilitates interoperability and other shared uses of public safety spectrum with local and federal agencies. Existing law requires the committee to make recommendations for agency purchase of new or upgraded communication equipment that will enable interoperability consistent with public safety digital communications standards of the American National Standards Institute (ANSI) and the Telecommunications Industry Association (TIA).

Existing law further provides that specified moneys received from the federal government for homeland security may be allocated for disbursement to state and local public safety agencies to procure and operate interoperable radio equipment that meets the public safety digital communications standards in Suite 102 of the ANSI and the TIA.

This bill would add the Governor's Office of Homeland Security to the Public Safety Radio Strategic Planning Committee *and would make related and conforming changes.*

Existing law requires the committee to consult with designated organizations.

This bill would add to these organizations the Military Department.

This bill would require a state ~~agency-department~~ that purchases public safety radio communication equipment to ensure that equipment purchased complies with ~~public safety digital interoperability communications standards in Suite 102 of the ANSI and the TIA. This requirement would not apply with respect to (1) systems that utilize low band frequencies not in general use among public safety agencies when necessary to maintain the systems to ensure statewide interoperability for the agency utilizing the systems and (2) repairs made to bring an existing radio unit to working condition, where that radio unit would not have otherwise been totally replaced~~ prescribed standards.

Existing law provides that, of the amounts received from the federal government for homeland security and appropriated in the Budget Act of 2002, not more than \$15,000,000 may be allocated to the security advisor to the Governor for disbursement to state and local government public safety agencies to procure and operate specified radio equipment and required recipients to annually report to the Legislature.

This bill would repeal those provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8592.1 of the Government Code is
- 2 amended to read:
- 3 8592.1. For purposes of this article, the following terms have
- 4 the following meanings:
- 5 (a) "Public safety spectrum" means the spectrum allocated by
- 6 the Federal Communications Commission for operation of

interoperable and general use radio communication systems for public safety purposes within the state.

(b) “Committee” means the Public Safety Radio Strategic Planning Committee, which was established in December 1994 in recognition of the need to improve existing public radio systems and to develop interoperability among public safety departments, *and between state public safety departments and local or federal entities* and which consists of representatives of the following state entities:

- (1) The California Highway Patrol.
- (2) The Department of Transportation.
- (3) The Department of Corrections.
- (4) The Department of Parks and Recreation.
- (5) The Department of Fish and Game.
- (6) The Department of Forestry and Fire Protection.
- (7) The Department of Justice.
- (8) The Department of Water Resources.
- (9) The Office of Emergency Services.
- (10) The Emergency Medical Services Authority.
- (11) The Department of the Youth Authority.
- (12) The Department of General Services.
- (13) The Governor’s Office of Homeland Security.

~~SEC. 2. Section 8592.6 is added to the Government Code, to read:~~

~~8592.6. (a) Except as provided in subdivision (b), a state agency that purchases public safety radio communication equipment shall ensure that the equipment purchased complies with the public safety interoperability communications standards in Suite 102 or later of the American National Standards Institute (ANSI) and the Telecommunications Industry Association (TIA).~~

~~(b) Subdivision (a) shall not apply to either of the following:~~

~~(1) Systems that utilize low band frequencies not in general use among public safety agencies when it is necessary to maintain those systems to ensure statewide interoperability for the agency utilizing the systems.~~

~~(2) Repairs made to bring an existing radio unit to working condition, where that radio unit would not have otherwise been totally replaced.~~

~~SEC. 2. Section 8592.2 of the Government Code is amended to read:~~

1 8592.2. (a) The committee shall have primary responsibility
2 in state government for developing and implementing a statewide
3 integrated public safety communication system that facilitates
4 interoperability among state ~~agencies~~ *public safety departments*
5 *listed in subdivision (b) of Section 8592.1* and coordinates other
6 shared uses of the public safety spectrum consistent with decisions
7 and regulations of the Federal Communications Commission. In
8 order to facilitate effective use of the public safety spectrum, the
9 committee shall consult with any regional planning committee or
10 other federal, state, or local entity with responsibility for
11 developing, operating, or monitoring interoperability of the public
12 safety spectrum.

13 (b) The committee shall elect from among its members a chair
14 with responsibility for leadership in implementing this article.

15 ~~(c) The committee shall hold a meeting to address the~~
16 ~~requirements of this article no later than April 1, 2003.~~

17 *SEC. 3. Section 8592.3 of the Government Code is amended*
18 *to read:*

19 8592.3. (a) The committee shall consult with the following
20 organizations and entities:

- 21 (1) California State Peace Officers Association.
- 22 (2) California Police Chiefs Association.
- 23 (3) California State Sheriffs' Association.
- 24 (4) California Professional Firefighters.
- 25 (5) California Fire Chiefs Association.
- 26 (6) California State Association of Counties.
- 27 (7) League of California Cities.
- 28 (8) California State Firefighters Association.
- 29 (9) California Coalition of Law Enforcement Associations.
- 30 (10) California Correctional Peace Officers Association.
- 31 (11) CDF Firefighters.
- 32 (12) California Union of Safety Employees.
- 33 (13) *The Military Department.*

34 (b) Each organization or entity listed in subdivision (a) may
35 designate a representative to work with the committee to develop
36 agreements for interoperability or other shared use of the public
37 safety spectrum between the ~~applicable organization or entity~~
38 *state public safety departments listed in subdivision (b) of Section*
39 *8592.1* and local ~~and~~ *or* federal agencies that operate a
40 communication system on the public safety spectrum and that have

1 capacity and technical ability for interoperability or other shared
2 use.

3 (c) The committee shall develop a model memorandum of
4 understanding that sets forth general terms for interoperability or
5 other shared uses among jurisdictions, which may be modified as
6 necessary for a particular agreement entered into pursuant to
7 subdivision (b).

8 (d) A local agency may not be required to adopt the model
9 memorandum of understanding developed pursuant to subdivision
10 (c).

11 *SEC. 4. Section 8592.4 of the Government Code is amended*
12 *to read:*

13 8592.4. (a) The committee shall determine which ~~agencies~~
14 ~~state public safety departments listed in subdivision (b) of Section~~
15 ~~8592.1~~ need new or upgraded communication equipment and shall
16 establish a program for equipment purchase. In establishing this
17 program, the ~~board~~ committee shall recommend the purchase of,
18 equipment that will enable state agencies to commence
19 conforming to accepted industry standards for interoperability
20 ~~consistent with the public safety digital communications standards~~
21 ~~of the American National Standards Institute and the~~
22 ~~Telecommunications Information Association~~ specified in
23 subdivision (a) of Section 8592.5.

24 (b) This section may not be construed to mandate that a state or
25 local governmental agency affected thereby is required to
26 compromise its immediate mission or ability to function and carry
27 out its existing responsibilities.

28 *SEC. 5. Section 8592.5 of the Government Code is amended*
29 *to read:*

30 8592.5. ~~The committee shall report to the Legislature, no later~~
31 ~~than January 1, 2004, on its progress in implementing this article.~~

32 (a) *Except as provided in subdivision (b), a state department that*
33 *purchases public safety radio communication equipment shall*
34 *ensure that the equipment purchased complies with applicable*
35 *provisions of the following:*

36 (1) *The common system standards for digital public safety*
37 *radio communications commonly referred to as the "Project 25*
38 *Standard," as that standard may be amended, revised, or added to*
39 *in the future jointly by the Associated Public-Safety*
40 *Communications Officials, Inc., National Association of State*

1 *Telecommunications Directors and agencies of the Federal*
2 *Government, commonly referred to as “APCO/NASTD/FED.”*

3 *(2) The operational and functional requirements delineated in*
4 *the Statement of Requirements for Public Safety Wireless*
5 *Communications and Interoperability developed by the*
6 *SAFECOM Program under the United States Department of*
7 *Homeland Security.*

8 *(b) Subdivision (a) shall not apply to either of the following:*

9 *(1) Purchases of equipment to operate with existing state or*
10 *local communications systems where the latest applicable*
11 *standard will not be compatible, as verified by the*
12 *Telecommunications Division of the Department of General*
13 *Services.*

14 *(2) Purchases of equipment for existing statewide low-band*
15 *public safety communications systems.*

16 *(c) This section may not be construed to require an affected*
17 *state governmental agency to compromise its immediate mission*
18 *or ability to function and carry out its existing responsibilities.*

19 *SEC. 6. Section 8592.6 is added to the Government Code, to*
20 *read:*

21 *8592.6. (a) The committee shall report to the Legislature by*
22 *January 1 of each year on the committee’s progress in*
23 *implementing this article.*

24 *(b) The report will include a complete listing of purchases by*
25 *state departments of public safety radio communications*
26 *equipment, for which a waiver of subdivision (a) of Section 8592.5*
27 *was granted by the committee.*

28 *SEC. 7. Article 6.3 (commencing with Section 8592.9) of*
29 *Chapter 7 of Division 1 of Title 2 of the Government Code is*
30 *repealed.*

